UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/554
13 May 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 13 MAY 1999 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL*

I have the honour to transmit to you herewith a copy of a letter dated 7 May 1999 from Mr. Mohamed Benaissa, Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco, addressed to me in response to measures proposed by the United Nations for the identification and the appeal procedure of persons requesting to participate in the Western Sahara Referendum (S/1999/483/Add.1). The letter was transmitted to me by the Permanent Representative of Morocco to the United Nations, Mr. Ahmed Snoussi.

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

* Circulated as a result of the request by the President of the Security Council on behalf of the Council to that effect on 13 May 1999.

99-14120 (E) 130599 130599

Annex

Letter dated 7 May 1999 from the Minister for Foreign Affairs and Cooperation of Morocco addressed to the Secretary-General

I have the honour to acknowledge receipt of your letter of 26 April 1999 concerning the draft protocol and operational directives governing the identification of tribal groupings H41, H61 and J51-52 and the appeal procedures.

These texts, as you know, were the subject in recent weeks of a broad and fruitful exchange of views, which made it possible to adopt, jointly, a number of amendments.

Anxious to meet the expectations of the Security Council and faithful to its tradition of cooperating with the United Nations, Morocco reiterates its determination to see the referendum take place as soon as possible. In accordance with this, Morocco agrees to the timetable as well as the measures which you have proposed and which are linked to the resumption of the identification operation on 1 June 1999 and the start of the appeal procedures on 1 July 1999.

Nevertheless and in spite of the progress made, the Moroccan authorities intend to express once again a number of reservations and misgivings which could not be raised or dispelled up to now.

They concern, and the Secretariat has duly taken note of them, in particular, the question of admissibility as conceived and defined in the relevant protocols and operational guidelines. The admissibility procedure, accordingly to the letter and spirit of the Settlement Plan and in view of the practice, was to make it possible for each applicant to be able to make use of all the necessary guarantees for ensuring a fair re-examination of his case. This is far from having been reflected in the procedure laid down, which imposes, inter alia, the need for each person concerned, to prove, at each stage in the appeal procedure, the existence of a new fact or a new circumstance. In this way, the oral testimony has been reduced or marginalized to the benefit of a conception which transforms it into written proof that must "look new".

The use that will be made of this provision may, undoubtedly, eliminate thousands of applicants who consider that they have been unjustifiably or unfairly eliminated from the electorate and desire to have their right restored.

In this regard, one will recall the systematically negative behaviour of the sheiks also during the identification sessions, which had a decisive influence on the decisions by the Identification Commission and which, as a consequence, was very detrimental for the applicants.

Reaffirming this position, we wish to draw your attention to the negative reaction which the population concerned may have with respect to an approach which they will surely regard as reflecting a desire to eliminate the largest number of persons among them and to persist in eliminating authentic Saharans.

Another reserve relates to the periodic communication of partial results of identification. In this connection and throughout the discussions with the representatives of the Secretary-General, it was explained in detail that the next identification stage essentially concerned Morocco and that it would be carried out within a strictly limited period of time. Accordingly, the communication of the results must take account of this new context.

In this regard and in a desire to ensure fairness and transparency, we believe that it is of the utmost importance to draw your attention to the need to prevent a recurrence of practices such as the "revision" of the identification results and the use of corroborating testimony as a condition for the eligibility of applicants not included in the Spanish census of 1974.

For all these reasons, we insist that future identification operations be accompanied by every possible guarantee for fairness. In this way, the communication of the results on a weekly basis can ensure better monitoring and greater transparency.

This is a basic and legitimate concern for Morocco and we hope that our insistence on it will lead to the follow-up by you that it merits.

Any arrangement along these lines will, without doubt, protect the resumption of the identification operation from any suspicion and help to create the climate of trust desired by all.

We remain convinced that speeding up this process and compressing the dates as set forth in the timetable should not be exclusively linked to budgetary constraints and, consequently, should not in any case affect the rights of applicants and the credibility of the referendum consultation.

(Signed) Mohamed BENAISSA
Minister for Foreign Affairs
and Cooperation